



Speech by

## John-Paul Langbroek

**MEMBER FOR SURFERS PARADISE**

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### **TOBACCO AND OTHER SMOKING PRODUCTS AMENDMENT BILL**

**Mr LANGBROEK** (Surfers Paradise—Lib) (5.17 p.m.): I am very pleased to rise to speak on the Tobacco and Other Smoking Products Amendment Bill. In doing so, I congratulate the Australian Labor Party for taking Liberal Party policy on board when coming up with its legislation. This, as members of this House will remember, is legislation that the Liberal Party coaxed the government into bringing forward some time ago, and it is very pleasing to see this commonsense legislation today. The bill is a reflection of the times and the way the community is evolving in its view of smoking. There has been no debate in this chamber over the effects of passive smoking, as it is recognised as having negative effects on health. Environmental tobacco smoke, or ETS, contains 50 known carcinogens and causes lung cancer and other forms of cancer. ETS causes heart disease, respiratory problems and affects reproduction. It also stains the teeth and affects the gums and gives the user bad breath, which, as members will know, is something that I had a lot to do with in my previous professional life. If ETS is present in the workplace, it is likely to be of a higher level than that experienced in the home.

That is why this legislation is a good move. It prevents those who are not smokers having the choices of smokers rammed down their throats—and lungs, for that matter. Although I think that the legislation is based on sound principles, I would like to register some concerns about the implementation of the legislation. Firstly, I would like to raise questions about the enforcement of the legislation. There are some very good provisions in this bill—for example, the increase in fines for those who sell to under-age persons. It is very good that these fines have increased and owners of stores who are prepared to sell tobacco to under-age people feel the full weight of the law. Similarly, those persons who try to acquire tobacco products while they are underage will feel an even greater brunt of the law than ever before.

Although these provisions are good, they are no good if the only place they see the light of day is in this House today. By that I mean there needs to be a high level of enforcement and it needs to be obvious from the outset what that enforcement will consist of. A number of councillors on the Gold Coast have approached me and said that they are concerned that the laws will not be enforced to the degree that they hope and they question who is going to be doing the enforcing. Recently there has been a big push, particularly in Surfers Paradise, for a 'butts out on the beach' campaign. This was instigated by Councillor Susie Douglas soon after the Liberal Party moved the motion for the Wednesday 5.30 debate some months ago. I must admit that at the time I thought that it would be too hard to ask people not to smoke on the beach. Councillor Douglas has since distributed some thousands of containers to be given to beachgoers to put their cigarette butts in. Whilst I know that the legislation does not particularly cover smoking on the beach, it does show how far we have come that members of the community are now considering quite seriously whether they actually want to smoke on the beach at all and are happy to use these 'butts out' containers.

But if the new laws are not enforced, whether that be by specific cigarette officers or by police officers, the laws will not be effective and smoking practices and the dangerous side effects that they have will continue. We will also suffer the frustration that people have when they see laws being broken and no-one to enforce them. Whether people are driving and see someone speeding or whether they are out and see someone smoking and ask them if they would mind desisting from smoking, that can often lead to an

unpleasant argument. Unfortunately, a citizen's arrest is not exactly encouraged by our good friends in the Police Service.

Having overcome that hurdle, the government also needs to ensure that the harsh penalties for the variety of these offences are maintained and enforced. It is no good if the maximum penalty is never enforced and it is no good if only nominal fines are given. As I have said, on paper these new penalties are very good in serving as a deterrent for operators and citizens to handle their choice to smoke or to sell tobacco products in the most responsible and in the safest way possible. I urge the government to maintain its commitment to this process and to visibly enforce these fines on offenders. The Liberal Party will be closely watching the government's commitment over the early stages of the implementation of the bill.

Although there can be some concern over the casino exemptions, they seem to be in line with what has generally been accepted practice elsewhere. I encourage the government to work with other state governments to eventually ensure that the casinos around the country all remove the practice of smoking. The only issue that I can see—other than that of favouritism, as has been raised in some papers—is that of the workers who work in these places. Down the track there could be litigation by these people, just as there has been litigation in the past. That is perhaps something that could be watched carefully with an eye to improvement down the track.

This is a very good bill. Those retailers who believe that it is unfair have to realise that they are selling a product that is becoming more and more a social problem and social faux pas. The restrictions are for the benefit of a large number of people and it is not appropriate to use marketing as a way of trapping new customers, particularly at a young age. I do not think that it is fair for retailers to complain when they are selling a product that causes cancer. However, I empathise with retailers who feel that they are not competing on a level playing field.

In conclusion, I congratulate the Australian Labor Party for taking on board Liberal Party policy by introducing this legislation. I encourage members opposite and ministers of any portfolio to visit our offices any time for some more good policy that they may wish to introduce. With that, I commend the bill to the House.